

Appeal Rights and Procedures

in Workers' Compensation



Missouri Department of Labor and Industrial Relations

LABOR & INDUSTRIAL RELATIONS COMMISSION
DIVISION OF WORKERS' COMPENSATION

Injured workers and employers have certain appeal rights under the Workers' Compensation Law. This pamphlet explains those rights. It also explains procedures to be followed when a party to a workers' compensation case makes application to the Labor and Industrial Relations Commission for review of an award.

HEARINGS

A Workers' Compensation hearing is a legal proceeding, much like a trial, held before an administrative law judge. In most circumstances, hearings are held only after an alternative dispute resolution method is used in an attempt to resolve any disputed issues. After the hearing, the judge reviews all testimony and briefs and issues a written award. Either party in the case may appeal the written decision of the judge to the Labor and Industrial Relations Commission. A corporation must be represented by an attorney licensed in Missouri at all proceedings, including the hearing.

TYPE OF AWARDS

There are three types of awards that can be made in a workers' compensation case.

- ♦ **Award on Hearing:** This is the final determination by an administrative law judge after a hearing. The award is the decision of the administrative law judge as to the medical and other benefits that will be paid to the injured worker.
- ♦ **Temporary or Partial Award:** This type of award is made by an administrative law judge after a hearing in cases where the claimant is not receiving medical treatment or lost wage benefits. In these situations, the temporary or partial award is made before issues such as the extent of disability are addressed by the judge. The case is kept open until such time as a final award on disability and additional medical needs is made.
- ♦ **Award on Agreed Statement of Facts:** With this award eligibility for and

amount of benefits are not disputed by the parties. However, there may be a disagreement, for example, on the interpretation of a provision of law relevant to the case or a disagreement as to whether or not the claim was filed in a timely manner. The administrative law judge issues this award just as an Award on Hearing is issued.

APPEAL RIGHTS

Once a written award is made, any party to the case has the right to appeal the decision of the administrative law judge. This right is contained in the Workers' Compensation Law. Appeals are made to the Labor and Industrial Relations Commission. The Commission reviews the record of the original hearing and may allow legal briefs and oral arguments. The Commission then issues its decision.

If one of the parties to the case is not satisfied with the decision of the Labor and Industrial Relations Commission, the party has the additional right to appeal that decision to the appellate court that has jurisdiction. Further appeal of the appellate court's decision may be made to the Missouri Supreme Court only if the Supreme Court accepts transfer of the case.

APPEAL PROCEDURES

The purpose of the Missouri Workers' Compensation Law is to provide a speedy determination of the case. Procedures have been established to further the goal of timeliness in settling matters that come before the Commission. The following procedures should be followed to avoid delay in reviewing the case and in the Commission issuing an award:

Commission Review. The original application for review and two copies must be filed with the Commission within twenty calendar days from the date of the award. Form MOIC-2567 may be used in making the application for review. The applicant is not required to use this form provided the written application contains information as to the case and award which the party wishes reviewed and states the reasons for making the application for a review.

An application for review must be signed by the applicant or the applicant's attorney. When an application is filed on behalf of a corporation, the application must be signed by an attorney licensed in Missouri.

CONTACTS

Applications for review must be directed to the Commission office at the following address:

Labor & Industrial Relations Commission
P.O. Box 599
Jefferson City, Missouri 65102-0599
573-751-2461

Additional information on awards and appeal rights may be directed to the Commission address above or the following address:

Division of Workers' Compensation
P.O. Box 58
Jefferson City, Missouri 65102-0058
573-751-4231
800-775-COMP (2667) Employees
888-837-6069 Employers